IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1379 OF 2005
IN
EXECUTION APPLICATION NO.183 OF 2004
IN
SUM.SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ..Plaintiff.

V/s.

M/s.Siddhivinayak Builders & Anr...Defendants.

And

Rameshbhai K. Mistry. ..Intervenor/-
Obstructionist.

Ms. Rumana Bagdad i/b Ms.Sumedha Rao for applicant.

Mr. O.A.Das for plaintiff.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 26, 2005.

P.C. :

1. Heard counsel for the parties. Counsel appearing for the Judgment Creditor fairly states that in view of the documents filed on record, it appears that the applicants have become owners of Flat No.A-603, in building known as "Venus", Chikuwadi, Borivali(West),Mumbai 400 092, much before the order of attachment was passed; for which reason, decree passed against the defendant cannot be

executed against the applicants as the applicants are not party to the proceedings. In the circumstances, the Judgment Creditor agrees that the chamber summons be made absolute only with regard to the claim of the applicants.

2. Accordingly, chamber summons is made absolute in terms of prayer clause (b) only with regard to the premises being flat No.A-603, situated at building "Venus" referred to above. In other words, warrant of attachment in respect of the above said premises is set aside and recalled and attachment regarding the remaining building shall operate subject to other orders to be passed by the court. No order as to costs.